

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
CELL PHONE ACCOUNTS 207-300-1046
AND 207-614-0153 THAT ARE STORED
AT PREMISES CONTROLLED BY
TEXTNOW INC.

Case No. 2:22-mj-00204-KFW

Filed Under Seal Pursuant to L.R. 157.6(a)

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Christopher Concannon, being first duly sworn, hereby depose and states as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain accounts that are stored at premises owned, maintained, controlled, or operated by Voice over Internet Protocol (“VoIP”) provider TextNow Inc. (“TextNow”). TextNow is the United States-based subsidiary of TextNow, Inc., a service provider headquartered in Waterloo, Canada. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require TextNow to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with accounts, including the contents of communications

2. I am a Special Agent (“SA”) for the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) assigned to the Portland, Maine Field Office. I have been employed as a SA with ATF since November 2005. As an ATF Special Agent, I am authorized to investigate violations of the laws of the United States, and I have been involved with numerous criminal investigations involving violations of federal law, including those involving firearms trafficking

and, relatedly, drug trafficking. I am a law enforcement officer with authority to execute arrest and search warrants under the authority of the United States. *See* 18 U.S.C. § 3051. As an ATF Special Agent, I have completed the Criminal Investigator Training Program and ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia, where I received training in the investigation of federal crimes involving firearms, narcotics, arson and explosives. I am currently assigned to the ATF Boston Field Division – Portland Field Office. I have participated in numerous arrest and seizure warrants involving a variety of offenses, including violations pertaining to firearms investigations. I have also drafted and executed numerous warrants for residences, media, and online accounts to search and seize physical and digital evidence.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C § 371 and 18 U.S.C. §§ 932-33 have been committed by ABDULLAHI ISSAK, TYQUINN CANNON, ADEN MOHAMED, RYAN BARRY, BENJAMIN TURCOTTE and others known and unknown, with respect to federal firearms laws. There is also probable cause to search the information described in Attachment A for evidence and instrumentalities of these crimes further described in Attachment B.

II. JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offenses being investigated.” 18 U.S.C. § 2711(3)(A)(i).

III. PROBABLE CAUSE

6. The ATF is conducting a criminal investigation of ABDULLAHI ISSAK, TYQUINN CANNON, ADEN MOHAMED, RYAN BARRY, BENJAMIN TURCOTTE and others, known and unknown who, together, are members of a criminal conspiracy that has, as one of its objects, the straw purchasing of firearms from federal firearms licensees (“FFL”) in and around central and southern Maine, and their subsequent trafficking, in violation of 18 U.S.C. §§ 371 and 18 U.S.C. §§ 932-33, among other criminal statutes.

A. Pertaining to Contact Number 207-300-1046 (Target Phone 1)

I. Straw Purchases by RYAN BARRY

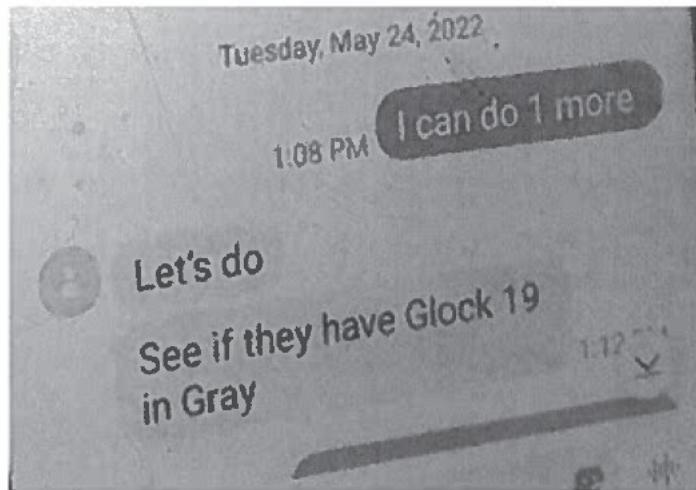
7. RYAN BARRY was charged by criminal complaint on August 8, 2022, for violating 18 U.S.C. § 922(a)(6). Prior to his arrest on the criminal complaint, I conducted consensual interviews with RYAN BARRY about his criminal conduct, including straw purchases he made for “Tony,” who I know to be ABDULLAHI ISSAK. ABDULLAHI ISSAK was recently charged with multiple crimes, including, as relevant here, conspiracy to violate the firearms laws of the United States. That case is pending in this District under Case Number 1:22-mj-129-JCN.

8. RYAN BARRY told me, in sum and substance, that when he was purchasing firearms for “Tony,” “Tony” would communicate with him via text message, including providing instructions as to which firearms to purchase.¹ During my consensual interview with him, RYAN BARRY agreed to scroll through his text message conversation history with “Tony” on his smart cellular phone. RYAN BARRY identified “Tony’s” phone number as (207) 300-1046, hereinafter referred to as “Target Phone 1.” I video recorded the screen of RYAN BARRY’s phone as the conversation scrolled by.

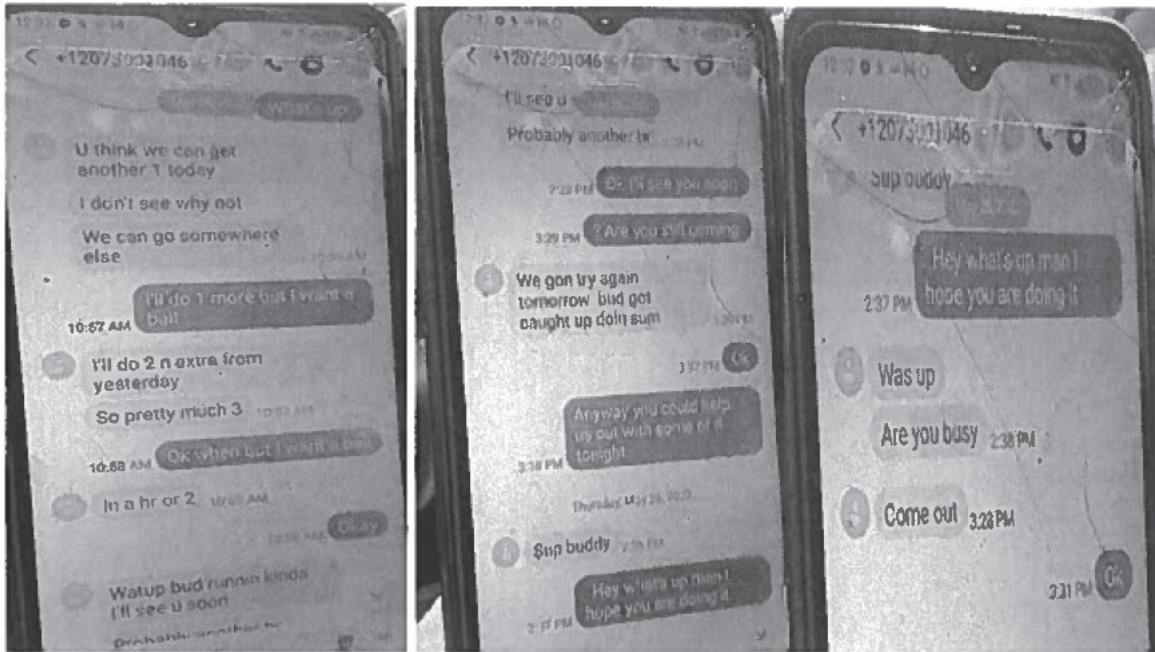
9. I have reviewed the video recording that I made of RYAN BARRY’s text message conversation with Target Phone 1. I observed numerous messages on and around the same dates as some of his firearm straw purchases, that appeared to be in furtherance of the transactions, as detailed below

- a. On May 24, 2022, RYAN BARRY purchased a Glock, model 19, 9mm pistol, serial number BVCA824, at Howell’s Gun Shop in Gray, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that RYAN BARRY messaged Target Phone 1, “I can do 1 more,” and that Target Phone 1 responded, “see if they have Glock 19 in Gray.” A screenshot is inserted below:

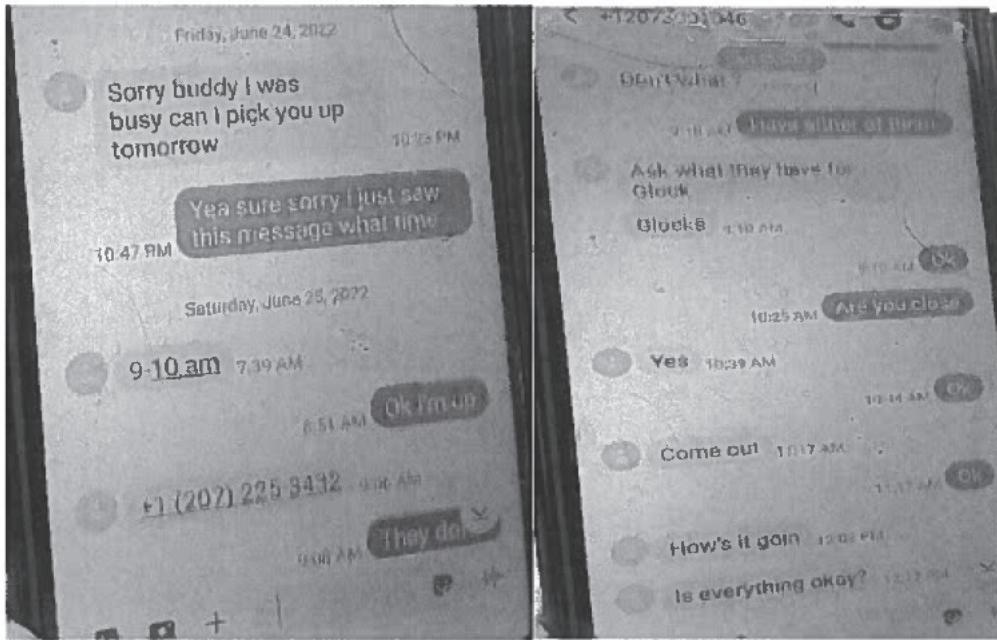
¹ Early in my interview of him, RYAN BARRY denied having engaged in straw purchasing activity or selling firearms to third parties, and maintained that all firearms he had purchased were at his residence.



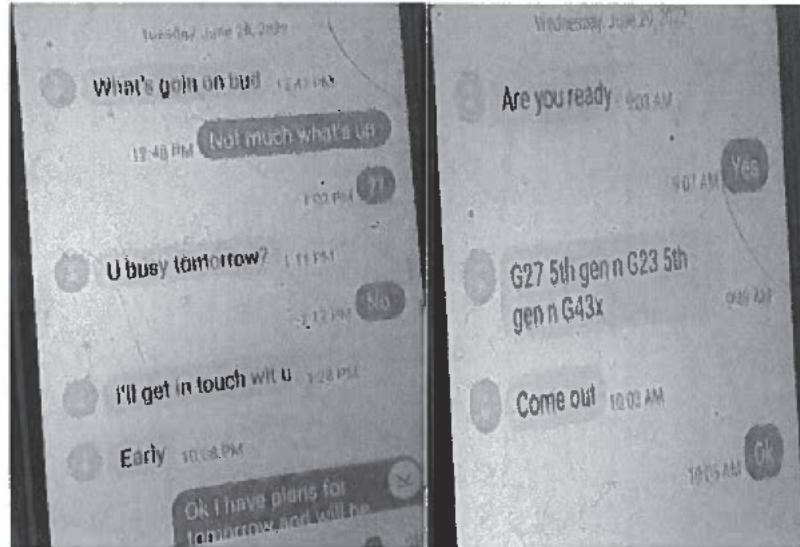
- b. On May 26, 2022, RYAN BARRY purchased a Glock, model 19, 9mm pistol, serial number BVCF613, at Poland Spring Trading Post/Top Gun of Maine located in Poland Spring, Maine. The firearm was later recovered by the Holyoke, Massachusetts, Police Department on September 30, 2022. I observed a message exchange starting on May 25, 2022 and continuing on May 26, 2022. I noted Target Phone 1 messaged RYAN BARRY, "U Think we can get another 1 today" and "we can go somewhere else." I noted that RYAN BARRY responded, "I'll do 1 more but I want a ball." Based on my training and experience, I am aware that an eighth of an ounce of narcotics is commonly referred to as a "ball." I noted that Target Phone 1 responded, "I'll do 2 n extra from yesterday" and "so pretty much 3." I noted that Target Phone 1 messaged RYAN BARRY, "We gon try again tomorrow bud got caught up doin sum." I observed that Target Phone 1 messaged RYAN BARRY, "Are you busy" and "Come out" on May 26, 2022. Screenshots are inserted below:



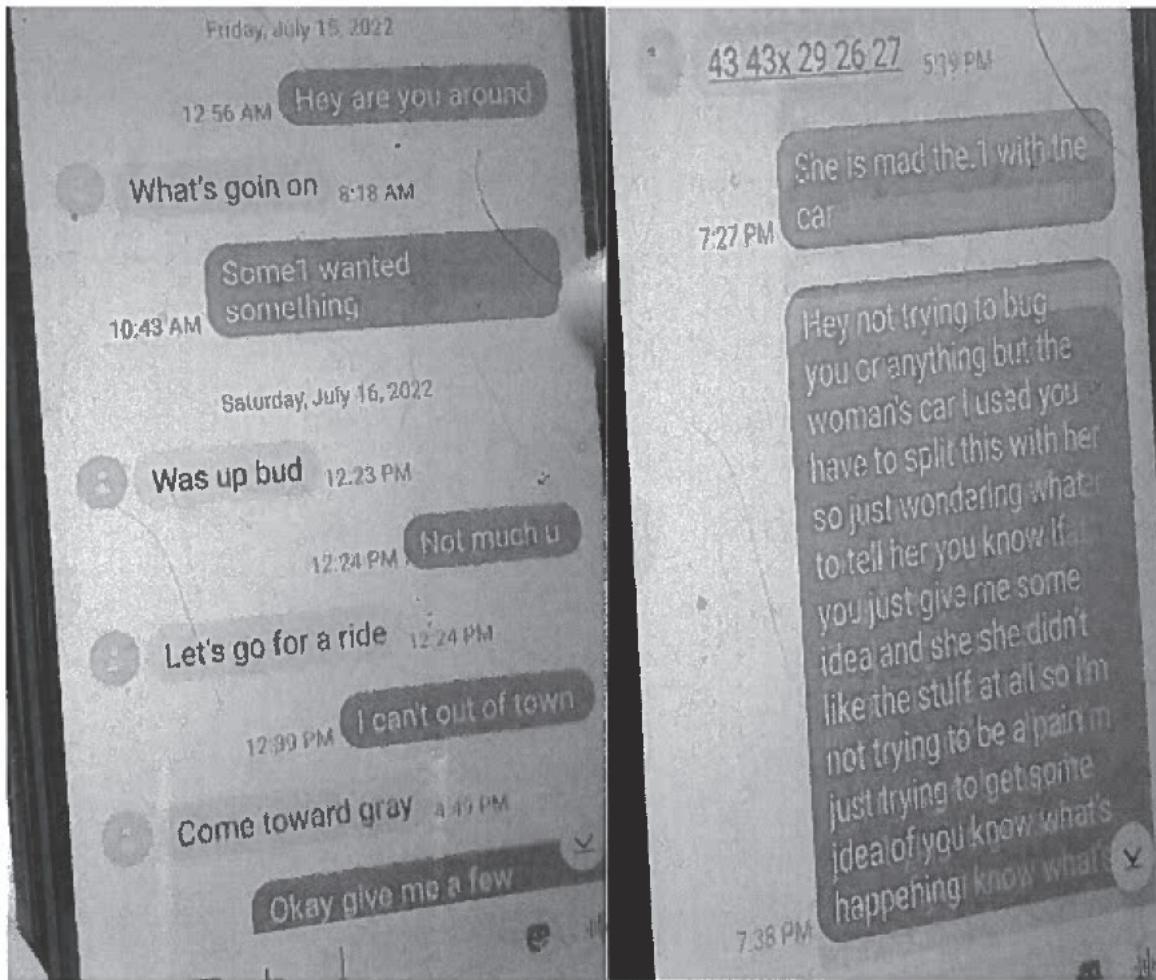
c. On June 25, 2022, RYAN BARRY purchased a Glock, model 17, 9mm pistol, serial number BXFB722, and a Glock, model 20Gen4, 10mm pistol, serial number BWZX370, at G3 Firearms in Turner, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged RYAN BARRY's phone number "+1 (207) 225-3432," which I know to be the phone number to G3 Firearms in Turner, Maine. I observed that Target Phone 1 messaged RYAN BARRY, "ask what they have for Glock." Screenshots are inserted below:



d. On June 29, 2022, RYAN BARRY purchased a Glock, model 27, .40 caliber pistol, serial number BWKA874, and a Glock, model 43X, 9mm pistol, serial number BXKD951, at Northeastern Firearms in Turner, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged RYAN BARRY, "are you ready" and "G27 5th gen n G23 5th gen n G43x," which I am aware are various models of Glock pistols. Screenshots are inserted below:

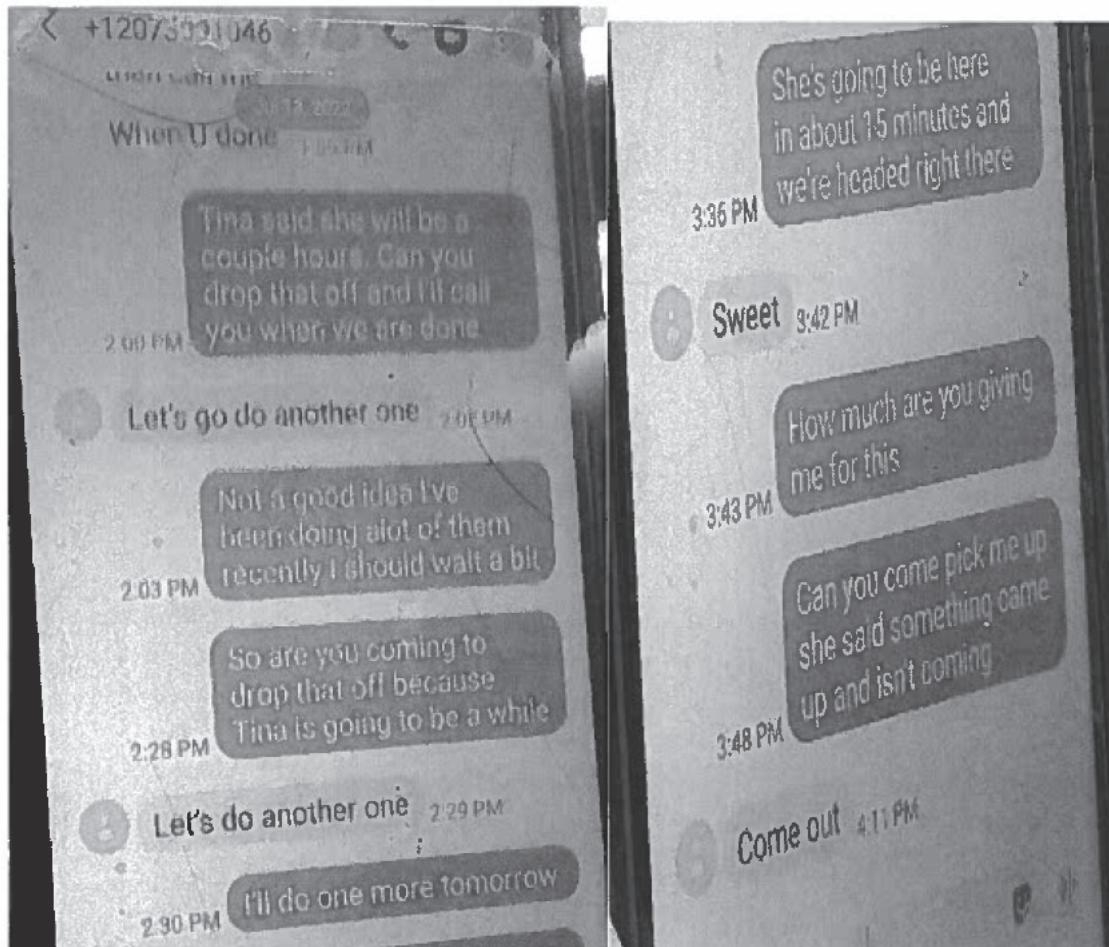


e. On July 16, 2022, RYAN BARRY purchased a Glock, model 43X, 9mm pistol, serial number BVUF141, a Glock, model 43X, 9mm pistol, serial number BWLA105, and a Glock, model 19, 9mm pistol, serial number BWRM576, at Stone Gunshop in Buckfield, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged RYAN BARRY, “43 43x 29 26 27,” which I am aware are various models of Glock pistols. I observed that RYAN BARRY indicated to Target Phone 1 that he had to split the “stuff” with the individual whose vehicle they were using, and that the vehicle owner complained about the quality of the stuff. Screenshots are inserted below:



f. On July 18, 2022, RYAN BARRY purchased a Glock, model 19, 9mm pistol, serial number BXPV621, at Howell's Gun Shop in Gray, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged RYAN BARRY, "Let's go do another one," to which RYAN BARRY responded, "Not a good idea I've been doing a lot of them recently I should wait a bit." I observed that Target Phone 1 messaged RYAN BARRY again, "Let's do another one" and that RYAN BARRY

responded, "How much are you giving me for this." Screenshots are inserted below:



2. *Straw Purchases by BENJAMIN TURCOTTE*

10. BENJAMIN TURCOTTE was charged by criminal complaint for violating 18 U.S.C. § 922(a)(6) on September 1, 2022. That case is pending in this District under Case Number 2:22-mj-00149 (D. Mc.). An arrest warrant was issued on the same date. BENJAMIN TURCOTTE remains wanted on the arrest warrant and his whereabouts are unknown.

11. On August 17, 2022, I obtained a search and seizure warrant for information associated with contact number (207) 440-3357, which this investigation revealed to be utilized

by BENJAMIN TURCOTTE. On August 26, 2022, Verizon Wireless provided the content. I observed numerous messages on and around the same dates as some of BENJAMIN TURCOTTE's firearm transactions. I noted that some of the messages appeared to be in furtherance of the transactions, as detailed below:

- a. On July 16, 2022, BENJAMIN TURCOTTE purchased a Glock 27, two Glock 30's and a Taurus pistol, at Stone Gunshop Inc in Buckfield, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged BENJAMIN TURCOTTE, "Call stones ask for 23 27 19 30 26," which I am aware are various models of Glock pistols. A Screenshot is inserted below:

Date/Time	Sender ID	Message
07/16/2022 07:53:24	(207) 300-1046	Morning bud
07/16/2022 12:18:01	(207) 440-3357	I'm ready brother have plans today so let's go.lol.
07/16/2022 12:19:02	(207) 300-1046	Call stones ask for 23 27 19 30 26
07/16/2022 12:21:21	(207) 440-3357	Fuck me he has 2 in safe for me already I'll call but I'm going need more 150 bro today a ball or nothing.
07/16/2022 12:29:40	(207) 440-3357	Then get her and will worry about details after when we started it

Date/Time	Sender ID	Message
		was 200 250 for one .does I like u I let it fly.when I need u .I expect you to be there.
07/16/2022 12:33:32	(207) 440-3357	Talk when you get here jelly donut chop chop u my source so it goes both ways.me u talk for min I'll fly .let's go
07/16/2022 12:44:20	(207) 440-3357	Call uncle benny just got off the phone with him

- b. On July 18, 2022, BENJAMIN TURCOTTE purchased a Glock 27, a Glock 30S and two Glock 19's on July 18, 2022, at Howell's Gun Shop in Gray, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged BENJAMIN TURCOTTE,

"Yes call Augusta" and "A 27 26 19" and "26," which I am aware are models of Glock pistols. A Screenshot is inserted below:

07/17/2022 16:44:23	(207) 440-3357	U need me tomorrow boss?
07/17/2022 19:00:32	(207) 300-1046	Yes sir
07/17/2022 19:12:45	(207) 440-3357	Sounds good brother. text me tomorrow
07/18/2022 11:59:56	(207) 440-3357	U still won't go out today around 1 or so maybe Augusta, Reids or new place.
07/18/2022 12:15:35	(207) 300-1046	Yes call Augusta
07/18/2022 12:16:34	(207) 300-1046	A 27 26 19
07/18/2022 12:17:07	(207) 300-1046	26
07/18/2022 12:32:03	(207) 440-3357	Kk. thanks
07/18/2022 13:19:01	(207) 440-3357	I'm jumping in shower quick u stoping by today.
07/18/2022 14:58:26	(207) 440-3357	Eta. bro they close 5 45 min get there from my place.

c. On July 19, 2022, BENJAMIN TURCOTTE purchased a Glock, model 43, 9mm pistol, serial number AFND462, and a Glock, model 43x, 9mm pistol, serial number BUEH130, at Up in Arms LLC, located in Leeds, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged BENJAMIN TURCOTTE, "Call tht stop in Leeds and ask if they got 43 or any other 9m Glocks." A Screenshot is inserted below:

07/19/2022 13:09:07	(207) 300-1046	See u in a bit?
07/19/2022 13:09:46	(207) 440-3357	Ten for
07/19/2022 14:58:30	(207) 300-1046	Are you back

Date/Time	Sender ID	Message
07/19/2022 14:59:56	(207) 440-3357	Yes sir
07/19/2022 15:02:44	(207) 300-1046	Call the stop in Leeds and ask if they got 43 or any other 9m glocks
07/19/2022 15:02:44	(207) 300-1046	Call the stop in Leeds and ask if they got 43 or any other 9m glocks
07/19/2022 15:03:04	(207) 300-1046	Spot*
07/19/2022 15:03:04	(207) 300-1046	Spot*
07/19/2022 15:07:58	(207) 440-3357	Got it
07/19/2022 15:13:10	(207) 440-3357	They have new 43 chop chop.
07/19/2022 15:25:47	(207) 300-1046	How much
07/19/2022 15:25:51	(207) 300-1046	Wat else they fot
07/19/2022 15:25:52	(207) 300-1046	Got

d. On July 22, 2022, BENJAMIN TURCOTTE attempted to purchase two FN model Five Seven pistols, at Northeastern Firearms LLC, in Turner, Maine. I observed messages on the same date that appeared to be in furtherance of the transaction. I observed that Target Phone 1 messaged BENJAMIN TURCOTTE “on my way,” “fn 57” and “get black and brown one.” A Screenshot is inserted below:

07/22/2022 10:06:50	(207) 300-1046	U up
07/22/2022 10:07:37	(207) 440-3357	Yes sir
07/22/2022 11:14:56	(207) 300-1046	On my way
07/22/2022 11:18:13	(207) 440-3357	=M
07/22/2022 11:45:48	(207) 440-3357	Come in quick brother
07/22/2022 11:53:41	(207) 300-1046	Fn 57
07/22/2022 11:53:46	(207) 300-1046	Get black and brown one
07/22/2022 11:53:46	(207) 300-1046	Get black and brown one
07/22/2022 11:55:40	(207) 440-3357	Kk

3. *Arrest of ABDULLAHI ISSAK*

12. On August 1, 2022, ABDULLAHI ISSAK was charged by criminal complaint with conspiracy to violate the federal firearms laws, among other crimes. ABDULLAHI ISSAK was taken into federal custody on August 4, 2022.

i. Recorded jail calls by ABDULLAHI ISSAK from the Kennebec County Correctional Facility

13. I know from my participation in this investigation that ABDULLAHI ISSAK was incarcerated at the Kennebec County Correctional Facility from on July 31, 2022 through August 4, 2022, on an unrelated Maine state criminal charge. During this time, ABDULLAHI ISSAK made numerous telephone calls on the jail's recorded inmate line. Based on my review of the calls, I know that ABDULLAHI ISSAK made several calls to 413-272-5650. The user of the phone was believed to be ADEN MOHAMED. During a call on August 2, 2022, ABDULLAHI ISSAK instructed the individual believed to be ADEN MOHAMED to create "a new Text Now on Q's phone, and keep ours but don't answer no calls until you get a new number." From my investigation, I know TYQUINN CANNON to use the alias, "Q."

ii. Recorded jail calls by ABDULLAHI ISSAK from the Somerset County Jail

14. I know from my participation in this investigation that ABDULLAHI ISSAK has been incarcerated at the Somerset County Jail since August 4, 2022. During this time, ABDULLAHI ISSAK made numerous telephone calls on the jail's recorded inmate line. I know that ABDULLAHI ISSAK made several calls to the Target Phone 1 through August 9, 2022, and ABDULLAHI ISSAK's child's mother, ANGELICA GALARZA, was believed to be using the

number during that time frame. Additionally, ANGELICA GALARZA made references to Target Phone 1 being ABDULLAHI ISSAK's TextNow phone on the recorded jail calls.

4. Information provided by TextNow for Target Phone 1.

15. I reviewed material provided by TextNow received pursuant to it being served with a Grand Jury Subpoena related to phone number 207-300-1046. My review of the material revealed, in substance and in part, the following, among other things:

- a. TextNow Call detail records confirmed communications between Target Phone 1 and RYAN BARRY and BENJAMIN TURCOTTE.

16. Phone number 207-300-1046 was registered with TextNow on January 18, 2021. The subscriber of the phone number registered an account with TextNow using the Username 'keysane1942' and email address aissack@live.com. I had reviewed material provided by the third party payment processing company CashApp, received pursuant to it being served with a Grand Jury Subpoena relating to ABDULLAHI ISSAK. My review of the material revealed that the email aissack@live.com was associated with the account.

17. On November 2, 2022, I sent a preservation request to TextNow requesting the preservation of text message content for the Target Phone 1, TextNow Ticket Number 1172374.

B. Pertaining to Contact Number 207-614-0153 (Target Phone 2)

1. Information provided by Confidential Source (CS)

18. In connection with this investigation, I learned from Northeastern Firearms LLC and G3 Firearms, both FFLs located in Turner, Maine, that a Confidential Source (“CS”)² had purchased at least five (5) Glock pistols between June 29, 2022 and August 11, 2022. I examined the ATF Form’s 4473 associated with each of these purchases, from which I learned that the CS had listed themselves as the purchaser of the firearms.

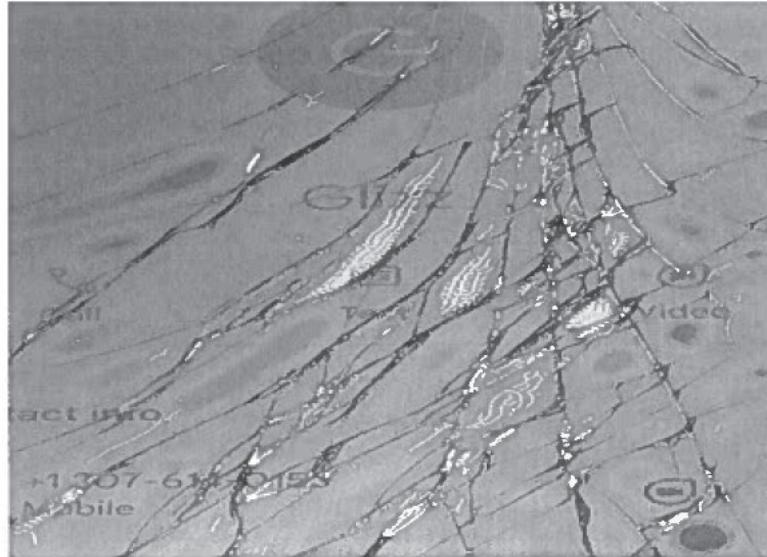
19. On August 16, 2022, I conducted a consensual interview with CS about their criminal conduct, including straw purchases that they made for an individual known to them as “Glizz” and also as “Mike.”³ Based on my investigation and familiarity with the participants in the conspiracy, I believe this individual to be ADEN MOHAMED. CS stated, in substance and in part, the following, among other things: CS admitted to conducting straw purchases of five (5) Glock pistols for “Glizz.”⁴ CS stated that they received \$200-\$300 for each firearm purchase. CS indicated that “Glizz” had continued asking them to purchase firearms since their August 11, 2022, firearm purchase. CS indicated that “Glizz” recently dropped off \$600 for them to purchase another firearm. CS said he had been attempting to contact them since. They were conflicted

² CS admitted to violating federal firearms laws. They have not been charged to date. They were provided a target letter on October 25, 2022. The information provided by CS has been corroborated and determined to be reliable.

³ For purposes of this affidavit the individual known to the CS as “Glizz” and “Mike” will be referred to as “Glizz.”

⁴ Initially the CS reported purchasing three Glock pistols, however, later recalled purchasing an additional two, for a total of five. CS said they typically received either a phone call or met “Glizz” in person to arrange for the CS to purchase firearms prior to the CS visiting the FFLs.

about what to do and debating reporting him. CS identified "Glizz" phone number as 207-614-0153 (Target Phone 2) and allowed me to photo document his contact information. Photo documentation is inserted below:



20. On August 17, 2022, at my request, ATF SA Timothy Kenty and ATF Task Force Officer Dominic Cloutier conducted a follow up consensual interview with CS.⁵ CS stated, in substance and in part, the following, among other things: CS said they received a text message earlier that morning from "Glizz". In the text message, "Glizz" stated, "Good morning ma." A photo of the text message on is inserted below:

⁵ During his consensual interview of CS, SA Kenty provided CS a folder containing a photo array consisting of six individuals including ADEN MOHAMED. SA Kenty told CS to advise him if they recognized anyone in the photos. CS identified ADEN MOHAMED's photo as "Glizz." SA Kenty provided CS a second folder containing a separate photo array consisting of six individuals including ABDULLAHI ISSAK. SA Kenty told CS to advise him if they recognized anyone in the photos. CS identified ABDULLAHI ISSAK's photo as "Glizz." Indicating that it was a more accurate depiction of "Glizz" than in the previous photo array. As noted, ABDULLAHI ISSAK has been detained since July 31, 2022

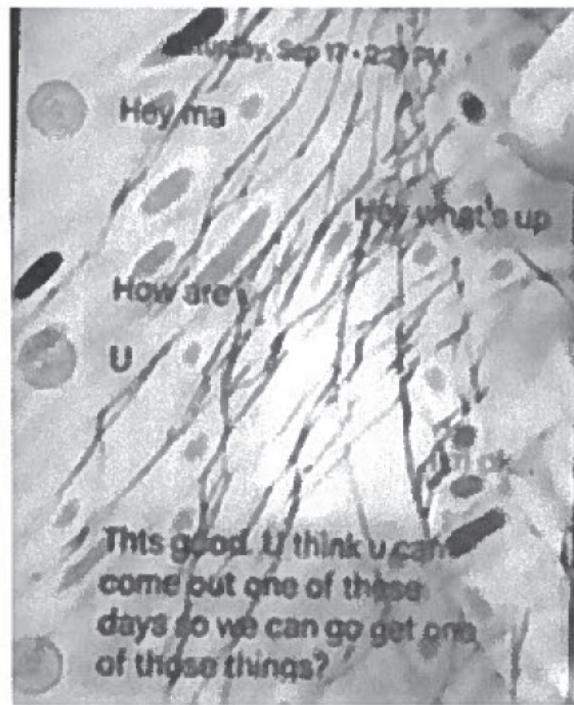


21. CS showed SA Kenty the money that "Glizz" provided them for the purpose of purchasing firearms. SA Kenty counted the money, which was \$600 in \$20 denominations.

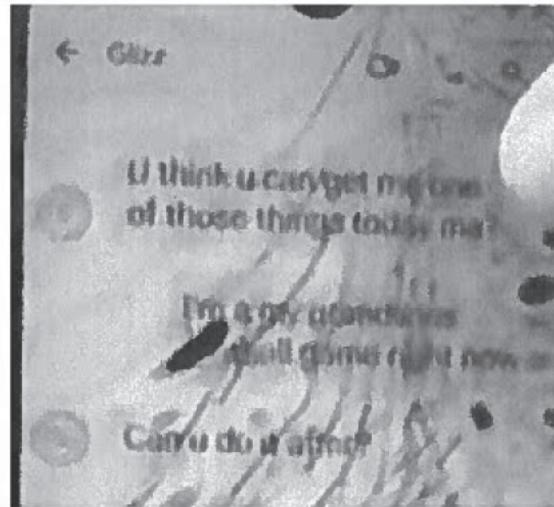
22. CS agreed to place a recorded phone call to "Glizz" at Target Phone 2. During the recorded call, "Glizz" stated that he was planning to visit CS shortly. "Glizz" stated, "I'm gonna just come pick up that dollars and I'm gonna bring you something. We're gonna do that another time." "Glizz" asked CS to place the money back outside so he could retrieve it. CS told "Glizz" that they wanted to take a break because they had been "doing it too much." "Glizz" responded that they could "take a little break." CS asked "Glizz" if he was going to be able "to do them bill of sales for the guns." "Glizz" told CS to "write them out." CS stated that she last saw "Glizz" on August 11, 2022, following their most recent purchase of firearms from G3 Firearms.

23. On October 25, 2022, I conducted another consensual interview with CS. CS stated, in substance and in part, the following, among other things: CS acknowledged having had recent contact with "Glizz." CS agreed to scroll through a message exchange with him, while I video recorded it. CS confirmed that his number was still (207) 614-0153. During my review of the message exchange, I observed numerous messages that appeared consistent with "Glizz" requesting CS to purchase firearms. I observed a message on September 17, 2022, consisting of "Glizz" asking "U think u can come out one of these days so we can go get one of those things?"

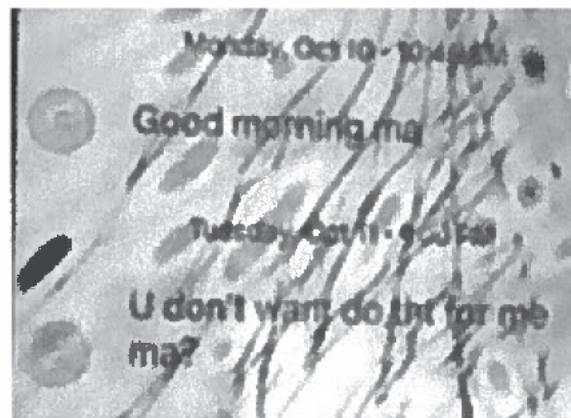
A screen shot is inserted below:



24. I observed a message on October 8, 2022, consisting of "Glizz" asking "U think u can get me one of those things today ma?" A screen shot is inserted below:



25. I observed a message on October 11, 2022, consisting of "Glizz" asking "U don't want do tht for me ma?" A screen shot is inserted below:



26. Earlier, on August 22, 2022, SA Kenty had sent a preservation request to TextNow requesting the preservation of text message content for the Target Phone 2, TextNow Ticket Number 115925.

2. *Recovery of Subject Firearm from TYQUINN CANNON*

27. I have reviewed a firearms trace summary report associated with a Glock, model 23, .40 caliber pistol bearing serial number BXDK781 (the "Subject Firearm"). I know from my review of the report, corroborated by information that I obtained from G3 Firearms, that CS

purchased the Subject Firearm at G3 Firearms on August 11, 2022. The Subject Firearm was subsequently recovered following a traffic stop in Massachusetts on September 8, 2022, during the arrest of TYQUINN CANNON. On September 7, 2022, TYQUINN CANNON was charged by a criminal complaint with a violation of 18 U.S.C. § 922(g)(1) (1:22-mj-00188 (D. Me.)).

3. *Information provided by TextNow*

28. I reviewed material provided by TextNow pursuant to it being served with a Grand Jury Subpoena related to phone number 207-614-0153. My review of the material revealed, in substance and in part, the following, among other things:

- a. Phone number 207-614-0153 was registered with TextNow on August 5, 2022. The subscriber of the phone number registered an account with TextNow using the email address hutiali199@gmail.com. Based on my participation in this investigation, I believe the subscriber is HUTI ALI.
- b. The TextNow records confirmed that Target Phone 2 was in communication with CS on August 11, 2022.

29. I know from my participation in this investigation that ABDULLAHI ISSAK is associated with an individual named HUTI ALI. While incarcerated at the Kennebec County Correctional Facility, ABDULLAHI ISSAK made several calls to 207-955-0239. The user of that phone number was believed to be ANGELICA GALARZA, based on my review of the calls and direct knowledge of ANGELICA GALARZA's association with ABDULLAHI ISSAK. During a call on August 2, 2022, ANGELICA GALARZA provided a number she described as "Huti's" as 413-309-1201. I conducted an ACCURINT query on the contact number, which revealed that it was associated with HUTI ALI of 27 Moxon Street, Indian Orchard, Massachusetts. While

incarcerated at the Somerset County Jail, ABDULLAHI ISSAK made several calls to 413-309-1201, believed to be associated with HUTI ALI.

30. I know from training and experience that individuals frequently communicate with others before, during, and after criminal events. I also know from training and experience that this type of communication usually occurs through mobile phones using cellular service and/or VoIP. VoIP is a technology that allows the user to make voice calls using a broadband Internet connection instead of a regular (analog) phone line. Some VoIP services may only allow calls and messaging to other people using the same service, but others may allow calls and messages to anyone who has a telephone number. Also, while some VoIP services only work over a computer or a special VoIP phone, other services allow the use of a traditional phone connected to a VoIP adapter. These communications utilize Internet Protocols for data addressing, routing, and delivery to a specific geographic location. Analysis of these records could assist with determining the general location of the cellular phone before, during, or after the target offense, identifying the user of the service, and can provide other account details and/or historic content furthering the above-described criminal investigation.

31. TextNow is a VoIP service that allows subscribers to text and call any number in the United States and Canada. TextNow provides users with a real phone number which can be used on any smartphone, tablet, or desktop computer with an internet connection. The application can be used on multiple devices under the same login at the same time.

32. Specific to TextNow:

- a. Content messages contain transmission data associated with phone calls and text messages sent or received by a TextNow user, the content of the message, and whether the message was deleted. These are retained for a period of 2 years.
- b. Call records are a record of all phone calls made from or received by a TextNow phone number identifier, during a specific time, call start time, and duration of the call. Call records are available for a period of 2 years.
- c. Media files are data and information directly associated with, embedded in or attached to any image, video, audio, or text file associated with any transmissions sent from or received by a TextNow phone number identifier during a specified time period. Media files are retained for a period of up to 30 days from the time the message was initiated. While the media file may not be available for viewing, content messages will still indicate whether a file was sent or received.

33. There is probable cause to believe, based on the facts provided above, that subject TextNow content contains fruits, evidence and instrumentalities of violations of 18 U.S.C § 371 and 18 U.S.C. §§ 932-33.

34. In addition, information stored at the wireless provider, including that described above, may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the data pertaining to a particular telephone number that is retained by a provider can indicate who has used or controlled the telephone number. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a

residence. For example, data collected at the time of account sign-up, information relating to account payments, and communications (and the data associated with the foregoing, such as date and time) may indicate who used or controlled a telephone number at a relevant time. Further, such stored electronic data can show how and when the telephone number and associated service were accessed or used. Such “timeline” information allows investigators to understand the chronological context of telephone number usage, account access, and events relating to the crime under investigation. This “timeline” information may tend to either inculpate or exculpate the telephone number owner or user. Additionally, information stored by the provider may indicate the geographic location of a telephone number at a particular time (e.g., historic cell-site location information; location integrated into an image or video sent via text message to include both metadata and the physical location displayed in an image or video).

35. Last, stored electronic data may provide relevant insight into the state of mind of the cellular device’s owner and/or user as it relates to the offense under investigation. For example, information relating to the telephone number in the possession of the provider may indicate a motive and intent to commit a crime (e.g., communications relating to the crime), or consciousness of guilt (e.g., deleting communications in an effort to conceal them from law enforcement).

IV. INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

36. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require TextNow to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B.

Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

V. CONCLUSION

37. Based on the forgoing, I request that the Court issue the proposed search warrant.
38. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.
39. The government will execute this warrant by serving the warrant on TextNow. Because the warrant will be served on TextNow, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.
40. I am aware that the review and seizure of digital evidence may undergo a lengthy review and analysis. For this reason, the "return" inventory will contain a general description of data recovered from the SUBJECT PHONE. Unless otherwise ordered by the Court, the return will not include evidence later examined by an investigator or forensic analyst.



Christopher Concannon
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to telephonically and signed
electronically in accordance with the
requirements of Rule 4.1 of the Federal Rules
of Criminal Procedures

Date: Nov 04 2022

City and state: Portland, Maine

